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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,007	05/08/2001	Satomi Shigaki	Q64408	9373

7590 01/16/2007
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/850,007	Applicant(s) SHIGAKI, SATOMI	
	Examiner Mishawn N. Dunn	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 12-14, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 9-11, 15, and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 9-11, filed 11/7/2006, with respect to claims 9-11, 15, and 20 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 16, now canceled, recited that the computer readable medium of claim 15 comprised a computer data signal embodied in a carrier wave. A carrier wave is not statutory since no requisite functionality is present to satisfy the practical application requirement. Please see the USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" in the Official Gazette notice of 22 November 2005, Annex IV, page 53.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Pat. No. 6,901,208) in view of Suenaga et al (US Pat. No. 6,498,893).

5. Consider claims 9 and 20. Ando et al. teaches a recording/reproducing device (fig. 19) of broadcasting signals comprising: a receive unit which receives broadcasting signals of a program on a channel (col. 23, lines 42-49; fig. 19); a storage device which stores recording files (col. 23, lines 27-37; col. 25, lines 12-21; fig. 19); and a data control unit which supplies the received signals of program to the recording/producing manage unit to record the signals into the recording files each of which has a predetermined size in order until a recording stop instruction is received or broadcasting of the program is ended, supplies the recording files to the recording/reproducing manage unit to reproduce the recording files in response to a reproduction instruction (col. 23, lines 27-37, col. 26; lines 10-40; col. 27, lines 25-44; fig. 19).

Ando et al. does not teach that the device is capable of supplying a first one of the recording files in parallel with recording a second of the recording files, the first one having been recorded earlier than the second one.

However, Suenaga et al. discloses a device is capable of supplying a first one of the recording files in parallel with recording a second of the recording files, the first one having been recorded earlier than the second one (col. 3, lines 15-23; fig. 1).

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Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to supply a first one of the recording files in parallel with recording a second of the recording files, in order to simultaneously record and reproduce more efficiently.

6. Consider claim 10. Ando et al. teaches the recording/reproducing device wherein the reproduction instruction is issued after at least one recording file is filled with a part of the signals (col. 27, lines 56-65).

7. Consider claim 11. Ando et al. teaches the recording/reproducing device wherein the data control unit controls to delete a recording file which has reproduced (col. 15, lines 61-67).

Allowable Subject Matter

8. Claims 1-8, 12-14, 18, and 19 are allowed.

Conclusion

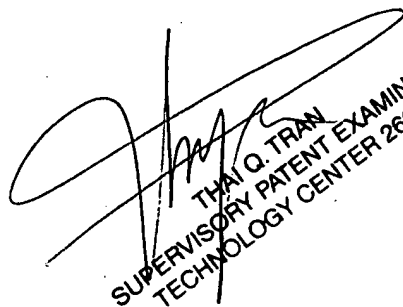
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mishawn Dunn
December 29, 2006



THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
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